

Message Text

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TO AMEMBASSY TEL AVIV

C O N F I D E N T I A L STATE 022353

FOLLOWING REPEAT STATE 022353 SENT ACTION USUN
BERN GENEVA INFO MOSCOW BEIRUT, JANUARY 30TH:

QUOTE C O N F I D E N T I A L STATE 022353

E.O. 11652: GDS

TAGS: PFOR, UN, XF, XS, US

SUBJECT: PLO STATUS IN UN

REF: A) USUN 266; B) USUN 0092; C) BERN 326; D) MOSCOW 976

1. APPRECIATE UN SECRETARIAT COMMENTS IN REFTEL A.
INTERESTED DEPARTMENTS AND AGENCIES HERE HAVE BEEN
REVIEWING STATUS OF PLO INFORMATION OFFICE IN NEW YORK IN
LIGHT OF UNGA RESOLUTION 3237 (XXIX). PRINCIPAL REPRESENTATIVE OF LONG ESTABLISHED INFORMATION OFFICE, SADAT HASAN, WAS APPARENTLY DESIGNATED ORALLY BY PLO IN NOVEMBER TO SECRETARY GENERAL AS PLO OBSERVER BUT THIS HAS NEVER BEEN FORMALLY CONFIRMED TO US OR TO UN. HE ATTENDED MEETINGS OF SOME UNGA COMMITTEES AS PLO OBSERVER BUT UN SECRETARIAT HAS NOT LISTED HIM AS SUCH IN ITS DIRECTORY. NEITHER HASAN NOR PLO OUTSIDE NEW YORK HAVE MADE ANY REQUEST TO USG FOR ESTABLISHMENT OF FORMAL OBSERVER MISSION OR REQUESTED VISAS FOR OBSERVERS.

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PRESENT SITUATION WITH INFORMATION

OFFICE WHICH LOOKS AFTER PLO INTERESTS AT UN SATISFIES
PLO REQUIREMENTS AT THIS TIME.

2. UNGA RESOLUTION. UNGA RESOLUTION 3237 INVITES THE PLO
TO PARTICIPATE AS AN OBSERVER IN SESSIONS AND WORK OF THE

GA AND AT ALL INTERNATIONAL CONFERENCES CONVENED UNDER
THE AUSPICES OF THE GA. IT ALSO CONSIDERS THAT PLO IS
ENTITLED TO PARTICIPATE AS AN OBSERVER IN ALL INTER-
NATIONAL CONFERENCES CONVENED UNDER AUSPICES OF OTHER
UN ORGANS. WHILE RESOLUTION DOES NOT CONFER ON PLO
STATUS OF PERMANENT OBSERVER WHICH ONLY UNSYG CAN GRANT,
IT PROVIDES SUFFICIENTLY BROAD ACCESS TO UN MEETINGS
THAT PLO MAY WELL SEEK IN FUTURE TO ESTABLISH OBSERVER
OFFICE IN NEW YORK TO ENABLE IT TO PARTICIPATE IN THE
WORK OF THE GA BETWEEN ITS FORMAL SESSIONS. IN OUR VIEW,
HOWEVER, PLO DOES NOT MEET BASIC CRITERIA FOR RECOGNITION
AS PERMANENT OBSERVER, I.E. THAT IT BE A STATE RECOGNIZED
BY A NUMBER OF UN MEMBERS AND THAT IT MEMBER OF ONE OR
MORE UN SPECIALIZED AGENCIES.

3. STATUS OF PLO OBSERVERS. SECTION 11 OF THE UN
HEADQUARTERS AGREEMENT OBLIGATES US FEDERAL, STATE AND
LOCAL AUTHORITIES TO REFRAIN FROM IMPOSING "ANY IMPEDI-
MENTS" TO TRANSIT TO AND FROM THE HEADQUARTERS DISTRICT
BY ANY PERSONS INVITED BY THE UN ON OFFICIAL BUSINESS
AND TO AFFORD "ANY NECESSARY PROTECTION" TO SUCH PERSONS
WHILE IN TRANSIT. SECTION 13(A) OBLIGATES THE USG TO
GRANT VISAS AS REQUIRED PROMPTLY AS POSSIBLE, AND
PART (B) OF THE SECTION PROVIDES THAT IN THE CASE OF
"ABUSE OF PRIVILEGES OF RESIDENCE" SUCH PERSONS MAY BE
REQUIRED TO LEAVE THE US. PLO OBSERVERS WHO CAME FOR
DEBATE IN UNGA IN NOVEMBER WERE GRANTED LIMITED C-2 VISAS
ON THIS BASIS. ALL OF THEM LEFT US AT END NOVEMBER.

4. PRIVILEGES AND IMMUNITIES. THE PROVISIONS OF
SECTION 11 IDENTIFY THE ONLY PRIVILEGES AND IMMUNITIES
WHICH MIGHT BE AVAILABLE TO PLO OBSERVERS UNDER THE
HEADQUARTERS AGREEMENT. A READING OF THE CONVENTION ON
PRIVILEGES AND IMMUNITIES OF THE UN AND THE INTERNATIONAL
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ORGANIZATIONS IMMUNITIES ACT (PL-291) INDICATES THAT
NEITHER PLO OBSERVERS NOR A PLO OBSERVER OFFICE IN THE
US WOULD BE ENTITLED TO ANY OF THE PRIVILEGES AND
IMMUNITIES CITED IN THESE DOCUMENTS, SINCE THEY ARE NOT
REPRESENTATIVES OF STATES OR UN EXPERTS. PLO OBSERVERS,
THEREFORE, ARE NOT ELIGIBLE FOR DUTY FREE PRIVILEGES,
TAX EXEMPTIONS OR GENERAL IMMUNITY FROM ARREST OR
PROSECUTION UNDER US LOCAL STATE OR FEDERAL LAW. THE

PLO INFORMATION OFFICE DOES NOT ENJOY ANY SUCH PRIVILEGES OR IMMUNITIES, ALTHOUGH IN PRACTICE SUCH RIGHTS HAVE BEEN AVAILABLE TO PLO REPS WHO WERE DOCUMENTED AS DIPLOMATIC MEMBERS OF ONE OR ANOTHER ARAB PERMANENT MISSION.

5. VISAS. USG HAS IN PAST ISSUED VARIOUS TYPES OF VISAS TO OTHER UN OBSERVER MISSIONS AND OBSERVER OFFICES. IT IS NOW CONSIDERING WHETHER TO CONTINUE TO ISSUE C-2 VISAS TO SUCH PERSONS AS PLO MAY WISH TO DESCRIBE TO US AS OBSERVERS AND WHO ARE ACCEPTED AS SUCH BY THE UN. IN THE MEANTIME, THEY AND MEMBERS OF THEIR STAFFS AND FAMILIES WOULD BE ISSUED C-A VISAS. HOLDERS OF C-2 VISAS ARE LIMITED TO "HEADQUARTERS DISTRICT AND ITS IMMEDIATE VICINITY." THIS AREA IS DEFINED AS "THAT AREA LYING WITHIN A TWENTY-FIVE MILE RADIUS OF COLUMBUS CIRCLE, NEW YORK, NEW YORK."

6. FOR BERN: FOREGOING PARAS PROVIDE BASIC INFORMATION WHICH MAY BE PASSED TO SWISS REGARDING MANNER IN WHICH WE HANDLE VISA APPLICANTS DESIGNATED TO US AS PLO OBSERVERS AND CONFIRMED AS SUCH BY UN. THEY CANNOT AND DO NOT PROVIDE INFORMATION ON HOW WE WOULD RESPOND TO A PLO REQUEST TO ESTABLISH A PERMANENT OFFICE FOR THEIR OBSERVERS AS THIS QUESTION HAS NOT BEEN RAISED BUT WOULD CREATE SERIOUS PROBLEMS FOR US. HOWEVER, WE WOULD BE HAPPY TO CONTINUE TO EXCHANGE INFO ON THIS AND OTHER OBSERVER MISSIONS IN GENEVA. WE WOULD APPRECIATE IT IF GOS WOULD CONSULT WITH US PRIOR TO ANY DECISION ON PERMITTING PLO OR OTHERS TO OPEN OBSERVER OFFICE. KISSINGER

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